

AMENDED IN ASSEMBLY AUGUST 6, 1998

AMENDED IN ASSEMBLY JUNE 25, 1998

AMENDED IN ASSEMBLY JUNE 16, 1998

AMENDED IN SENATE MAY 1, 1997

SENATE BILL

No. 998

Introduced by Senator Burton

(Principal coauthor: Assembly Member Aguiar)

February 27, 1997

An act to amend, repeal, and add Sections 2590, 2591, ~~2592, 2593, and 2596 of, and to add Sections 2597 and 2598 to, the~~ *and 2592 of, to amend, add, and repeal Section 2596 of, and to add and repeal Sections 2597 and 2598 of, the* Business and Professions Code, relating to perfusion, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 998, as amended, Burton. Health care.

Existing law establishes certain educational and examination requirements for persons who hold themselves out as perfusionists. Existing law states the intent of the Legislature that authority be reserved to the Division of Licensing of the Medical Board of California to adopt examination, continuing education, and training standards for perfusionists, with appropriate consultation if certain existing standards prove inadequate after a trial period of at least 3 years.

Existing law provides that the performance of certain procedures are included in the definition of perfusion services.

This bill would also prohibit, commencing January 1, 2000, any person who holds himself or herself out as a perfusionist, or performs perfusion services, from doing so without a valid license as a perfusionist. The bill would establish procedures for the licensure of perfusionists.

This bill would provide for the regulation of perfusionists by the ~~Osteopathic Medical Board of California~~. It would require the ~~Osteopathic Medical Board~~ *board* to establish a limit on the number of times an applicant for licensure who fails an examination may retake the examination, and establish the requirements for retaking an examination. The bill would require the board to establish licensure related fees, and would provide for the deposit of these fees in the Perfusion Fund, that would be established by the bill. By providing for the deposit of moneys in a continuously appropriated fund, this bill would make an appropriation.

Existing law provides that during clinical training provided by an approved perfusion training program, perfusion may be performed by an enrolled student pursuant to certain requirements, including that the student perfusionist or perfusion intern be under the direct supervision of a perfusionist.

This bill would ~~repeat~~ *make* this provision ~~on~~ *inoperative during the period from January 1, 2000, to January 1, 2003, and would add a similar provision to that would become operative and remain in effect until January 1, 2003 only during that same period*, that would require the student or intern to be under the direct supervision of a licensed perfusionist.

The changes made by the bill would remain in effect until January 1, 2003, when they would be repealed.

The bill would appropriate \$90,000 from the General Fund for deposit into the Perfusion Fund, as specified.

Since a violation of certain of the requirements governing perfusionists is subject to criminal sanction, this bill would impose a state-mandated local program by changing the definition of a crime.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) The citizens of California are entitled to the
4 protection of their health, safety, and welfare from the
5 unqualified or unprofessional practice of perfusion.

6 (b) The practice of perfusion by unauthorized,
7 unqualified, unprofessional, or incompetent persons is a
8 threat to the public.

9 (c) Perfusionists make split-second decisions when
10 operating the heart-lung machine which directly affect
11 the cardiovascular and respiratory condition and surgical
12 outcome for a patient.

13 (d) Almost every form of major thoracic or
14 cardiovascular surgery involves the participation of a
15 perfusionist.

16 (e) The practice of perfusion has a direct and
17 immediate impact on the outcome and mortality of
18 patients undergoing major thoracic or cardiovascular
19 surgery.

20 (f) The practice of perfusion is continually evolving to
21 include more sophisticated and demanding patient care
22 activities.

23 (g) The purpose of Chapter 5.67 (commencing with
24 Section 2590) of Division 2 of the Business and Professions
25 Code is to protect the public by doing both of the
26 following:

27 (1) Establishing minimum standards for education,
28 training, and competency for persons engaged in the
29 practice of perfusion and for the performance of

1 perfusion services in a manner that provides for the
2 continued evolution of the practice of perfusion.

3 (2) Ensuring that the privilege of practicing in the
4 field of perfusion is entrusted only to those who are
5 licensed and regulated under Chapter 5.67 (commencing
6 with Section 2590) of Division 2 of the Business and
7 Professions Code.

8 SEC. 2. Section 2590 of the Business and Professions
9 Code is amended to read:

10 2590. (a) For purposes of this chapter, “perfusion”
11 means those functions necessary for the support,
12 treatment, measurement, or supplementation of the
13 cardiovascular system, circulatory system with or without
14 the oxygenation circuit, or any combination of those
15 activities, and to ensure the safe management of
16 physiologic functions by monitoring the necessary
17 parameters of those systems pursuant to an order and
18 under the supervision of a licensed physician and
19 surgeon. For purposes of this chapter, “board” means the
20 Osteopathic Medical Board of California, and “advisory
21 committee” means the Perfusionist Advisory Committee.

22 (b) Perfusion services include, but are not limited to,
23 all of the following:

24 (1) The use of extracorporeal circulation,
25 cardiopulmonary support techniques, and other ancillary
26 therapeutic and diagnostic technologies. “Extracorporeal
27 circulation,” as used in this section, means the diversion
28 of a patient’s blood through a heart-lung machine or a
29 similar device that assumes the functions of the patient’s
30 heart, lungs, or both.

31 (2) Counterpulsation, ventricular assistance,
32 autotransfusion, including blood conservation
33 techniques, myocardial and organ preservation,
34 extracorporeal life support, and isolated limb perfusion.

35 (3) The use of techniques involving blood
36 management, advanced life support, and other related
37 functions.

38 (c) Perfusion services also include, but only during the
39 performance of functions described in subdivision (b),
40 the following:

(1) The administration of pharmacological and therapeutic agents, blood products, or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician and surgeon.

(2) The performance and use of anticoagulation analysis, physiologic monitoring, blood gas and chemistry analysis, hematocrit analysis, hypothermia, hyperthermia, hemoconcentration, and hemodilution. Nothing in this paragraph shall exempt perfusionists from the requirements of Chapter 3 (commencing with Section 1200), including, but not limited to, quality assurance and equipment maintenance requirements.

(3) The observation of signs and symptoms related to perfusion services.

(4) Making a determination whether the signs and symptoms related to perfusion services exhibit abnormal characteristics.

(5) Implementation, based on observed abnormalities, of appropriate reporting, or perfusion protocols, or changes in treatment regimen, pursuant to an order by a physician and surgeon, or the initiation of emergency procedures. "Perfusion protocols" as used in this section means perfusion-related policies and protocols developed or approved by a licensed health facility or a physician and surgeon through collaboration with administrators and health professionals, including perfusionists.

(d) Commencing January 1, 1993, no person shall hold himself or herself out as a perfusionist, unless at the time of doing so the person meets the educational and examination requirements specified in subdivisions (e) and (f). Commencing January 1, 2000, no person shall hold himself or herself out as a perfusionist, nor perform perfusionist services, unless at the time of doing so the person meets the educational and examination requirements specified in subdivisions (e) and (f) and holds a valid license as a perfusionist or is authorized pursuant to Section 2595.

(e) Except as provided in subdivision (f), until January 1, 2000, persons holding themselves out as perfusionists

1 shall be graduates of a training program described in
2 Section 2592 and produce satisfactory evidence of
3 successful completion of the entire examination of the
4 American Board of Cardiovascular Perfusion, or its
5 successor agency, or the equivalent thereof if an
6 equivalent is determined to be necessary by the
7 ~~Osteopathic Medical Board of California~~ *board*.
8 Commencing January 1, 2000, except as provided in
9 subdivision (f), persons licensed as perfusionists shall be
10 graduates of a training program described in Section 2592
11 and produce satisfactory evidence of successful
12 completion of the entire examination of the American
13 Board of Cardiovascular Perfusion or the equivalent
14 thereof if an equivalent is determined to be necessary by
15 the board. The board shall, by regulation, establish a limit
16 on the number of times an applicant who fails an
17 examination may retake the examination and the
18 requirements for retaking an examination.

19 (f) Any person may be deemed to have completed the
20 equivalent of the examination and education
21 requirements if that person is currently certified by the
22 American Board of Cardiovascular Perfusion, or if, as of
23 January 1, 1993, the person has practiced as a perfusionist
24 and has annually performed a minimum of 40 cases of
25 cardiopulmonary bypass during cardiac surgery in a
26 licensed health facility and has done so for at least five
27 years since January 1, 1987. For the purposes of this
28 subdivision, "licensed health facility" means a health
29 facility licensed in any jurisdiction within the United
30 States.

31 This subdivision shall become inoperative on January 1,
32 2000.

33 (g) Until January 1, 2000, in order to continue to use
34 the title of "perfusionist," the person shall complete the
35 continuing education requirements of, or maintain active
36 certification by, the American Board of Cardiovascular
37 Perfusion, or its successor agency, or the equivalent if an
38 equivalent is determined to be necessary by the board.
39 Commencing January 1, 2000, in order to retain a license
40 as a perfusionist, the person shall complete the continuing

1 education requirements of, or maintain active
2 certification by, the American Board of Cardiovascular
3 Perfusion, or the equivalent if an equivalent is
4 determined to be necessary by the board.

5 (h) A person may not engage or offer to engage in
6 perfusion, as defined in this article, for compensation or
7 use the title or represent or imply that the person has the
8 title of 'licensed perfusionist' or 'licensed graduate
9 perfusionist' or use the letters 'LP' or 'LGP' and may not
10 use any facsimile of these titles in any manner to indicate
11 or imply that the person is a licensed perfusionist or a
12 licensed graduate perfusionist unless the person holds an
13 appropriate license issued under this article.

14 (i) Licenses shall expire and be renewed according to
15 the following:

16 (1) A license is valid for one year from the date it is
17 issued and may be renewed.

18 (2) The board may, by rule, adopt a system under
19 which licenses expire on various dates.

20 (3) A person may renew an unexpired license by
21 submitting proof, satisfactory to the board, of compliance
22 with the continuing professional education requirements
23 prescribed by the board and by paying the required
24 renewal fee to the board before the expiration date of the
25 license.

26 (4) The board shall notify each license holder in
27 writing of the license expiration date at least 60 days prior
28 to the date of expiration by notice to the license holder at
29 the license holder's last known address according to the
30 records of the board.

31 (j) Any provision of this section that indirectly or
32 directly requires a person to be licensed as a perfusionist
33 shall not be construed to apply as a mandatory
34 requirement until January 1, 2000.

35 (k) Any person who violates this section is guilty of a
36 misdemeanor.

37 (l) This section shall remain in effect only until
38 January 1, 2003, and as of that date is repealed, unless a
39 later enacted statute, that is enacted before January 1,
40 2003, deletes or extends that date.

1 SEC. 3. Section 2590 is added to the Business and
2 Professions Code, to read:

3 2590. (a) For purposes of this section, ‘perfusion’
4 means those functions necessary for the support,
5 treatment, measurement, or supplementation of the
6 cardiovascular system, circulatory system with or without
7 the oxygenation circuit, or any combination of those
8 activities, and to ensure the safe management of
9 physiologic functions by monitoring the necessary
10 parameters of those systems pursuant to an order and
11 under the supervision of a licensed physician and
12 surgeon.

13 (b) Perfusion services include, but are not limited to,
14 all of the following:

15 (1) The use of extracorporeal circulation,
16 cardiopulmonary support techniques, and other ancillary
17 therapeutic and diagnostic technologies. ‘Extracorporeal
18 circulation,’ as used in this section, means the diversion of
19 a patient’s blood through a heart-lung machine or a
20 similar device that assumes the functions of the patient’s
21 heart, lungs, or both.

22 (2) Counterpulsation, ventricular assistance,
23 autotransfusion, including blood conservation
24 techniques, myocardial and organ preservation,
25 extracorporeal life support, and isolated limb perfusion.

26 (3) The use of techniques involving blood
27 management, advanced life support, and other related
28 functions.

29 (c) Perfusion services also include, but only during the
30 performance of functions described in subdivision (b),
31 the following:

32 (1) The administration of pharmacological and
33 therapeutic agents, blood products, or anesthetic agents
34 through the extracorporeal circuit or through an
35 intravenous line as ordered by a physician and surgeon.

36 (2) The performance and use of anticoagulation
37 analysis, physiologic monitoring, blood gas and chemistry
38 analysis, hematocrit analysis, hypothermia,
39 hyperthermia, hemoconcentration, and hemodilution.
40 Nothing in this paragraph shall exempt perfusionists from

1 the requirements of Chapter 3 (commencing with
2 Section 1200), including, but not limited to, quality
3 assurance and equipment maintenance requirements.

4 (3) The observation of signs and symptoms related to
5 perfusion services.

6 (4) Making a determination whether the signs and
7 symptoms related to perfusion services exhibit abnormal
8 characteristics.

9 (5) Implementation, based on observed
10 abnormalities, of appropriate reporting, or perfusion
11 protocols, or changes in treatment regimen, pursuant to
12 an order by a physician and surgeon, or the initiation of
13 emergency procedures. 'Perfusion protocols' as used in
14 this section means perfusion-related policies and
15 protocols developed or approved by a licensed health
16 facility or a physician and surgeon through collaboration
17 with administrators and health professionals, including
18 perfusionists.

19 (d) Commencing January 1, 1993, no person shall hold
20 himself or herself out as a perfusionist, unless at the time
21 of doing so the person meets the educational and
22 examination requirements specified in subdivisions (e)
23 and (f).

24 (e) Except as provided in subdivision (f), persons
25 holding themselves out as perfusionists shall be graduates
26 of a training program described in Section 2592 and
27 produce satisfactory evidence of successful completion of
28 the entire examination of the American Board of
29 Cardiovascular Perfusion, or its successor agency, or the
30 equivalent thereof if an equivalent is determined to be
31 necessary by the Division of Licensing of the ~~Medical~~
32 ~~Board of California~~ board.

33 (f) Any person may be deemed to have completed the
34 equivalent of the examination and education
35 requirements if that person is currently certified by the
36 American Board of Cardiovascular Perfusion, or if, as of
37 January 1, 1993, the person has practiced as a perfusionist
38 and has annually performed a minimum of 40 cases of
39 cardiopulmonary bypass during cardiac surgery in a
40 licensed health facility and has done so for at least five

1 years since January 1, 1987. For the purposes of this
2 subdivision, ‘licensed health facility’ means a health
3 facility licensed in any jurisdiction within the United
4 States.

5 (g) In order to continue to use the title of
6 ‘perfusionist,’ the person shall complete the continuing
7 education requirements of, or maintain active
8 certification by, the American Board of Cardiovascular
9 Perfusion, or its successor agency, or the equivalent if an
10 equivalent is determined to be necessary by the Division
11 of Licensing of the ~~Medical Board of California~~ *board*.

12 (h) Any person who violates this section is guilty of a
13 misdemeanor.

14 (i) This section shall become operative January 1,
15 2003.

16 SEC. 4. Section 2591 of the Business and Professions
17 Code is amended to read:

18 2591. (a) After completion of an approved perfusion
19 training program, as defined in Section 2592, and until
20 notification of passage of the entire examination of the
21 American Board of Cardiovascular Perfusion, or its
22 successor agency, that person shall identify himself or
23 herself only as a “graduate perfusionist.”

24 (b) A ‘licensed graduate perfusionist’ license may be
25 issued by the board to a person who has successfully
26 completed an approved perfusion training program, as
27 defined in Section 2592 and the filing of an application,
28 payment of an application fee, and the submission of
29 evidence satisfactory to the board of the successful
30 completion of the education requirements as defined in
31 Section 2592.

32 (c) A graduate perfusionist license is valid for one year
33 from the date it is issued and may be renewed twice by
34 the board after review. The application for renewal shall
35 be signed by the supervising licensed perfusionist. Failure
36 of any portion of the licensing examination may result in
37 the denial of renewal of the graduate perfusionist license.

38 (d) The use of the title “graduate perfusionist” is valid
39 for no more than three years from the date of completion
40 of an approved perfusion training program.

1 (e) This section shall remain in effect only until
2 January 1, 2003, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 1,
4 2003, deletes or extends that date.

5 SEC. 5. Section 2591 is added to the Business and
6 Professions Code, to read:

7 2591. (a) After completion of an approved perfusion
8 training program, as defined in Section 2592, and until
9 notification of passage of the entire examination of the
10 American Board of Cardiovascular Perfusion, or its
11 successor agency, that person shall identify himself or
12 herself only as a ‘graduate perfusionist.’

13 (b) The use of the title ‘graduate perfusionist’ is valid
14 for no more than three years from the date of completion
15 of an approved perfusion training program.

16 (c) This section shall become operative January 1,
17 2003.

18 SEC. 6. Section 2592 of the Business and Professions
19 Code is amended to read:

20 2592. (a) Except as otherwise provided in Section
21 2590, all persons calling themselves perfusionists shall be
22 graduates of an approved perfusion training program.

23 (b) For purposes of this article, an “approved
24 perfusion training program” means a training program in
25 perfusion reviewed by the Accreditation Committee on
26 Perfusion Education and approved by the Commission on
27 Accreditation of Allied Health Education Programs or its
28 successor or the equivalent training program if an
29 equivalent is determined to be necessary by the board.

30 (c) This section shall remain in effect only until
31 January 1, 2003, and as of that date is repealed, unless a
32 later enacted statute, that is enacted before January 1,
33 2003, deletes or extends that date.

34 SEC. 7. Section 2592 is added to the Business and
35 Professions Code, to read:

36 2592. (a) Except as otherwise provided in Section
37 2590, all persons calling themselves perfusionists shall be
38 graduates of an approved perfusion training program.

39 (b) For purposes of this article, an ‘approved perfusion
40 training program’ means a training program in perfusion

1 reviewed by the Accreditation Committee on Perfusion
2 Education and approved by the Commission on
3 Accreditation of Allied Health Education Programs or its
4 successor or the equivalent training program if an
5 equivalent is determined to be necessary by the Division
6 of Licensing of the ~~Medical Board of California~~ *board*.

7 (c) This section shall become operative January 1,
8 2003.

9 SEC. 8. Section 2593 of the Business and Professions
10 Code is amended to read:

11 2593. (a) During the period of any clinical training
12 provided by an approved perfusion training program,
13 perfusion may be performed by a student enrolled in the
14 approved perfusion training program when those
15 services are part of his or her course of study.

16 (b) A person enrolled as a student in an approved
17 perfusion training program shall be identified as a
18 “student perfusionist” or as a “perfusion intern.”

19 (c) During the period of any clinical training, a
20 student perfusionist or perfusion intern shall be under the
21 direct supervision of a perfusionist who has met all the
22 requirements of this chapter. For purposes of this section,
23 “direct supervision” means assigned to a perfusionist who
24 is on duty and immediately available in the assigned
25 patient care area.

26 (d) This section shall be inoperative during the period
27 commencing January 1, 2000, and ending January 1, 2003.

28 SEC. 9. Section 2593 is added to the Business and
29 Professions Code, to read:

30 2593. (a) During the period of any clinical training
31 provided by an approved perfusion training program,
32 perfusion may be performed by a student enrolled in the
33 approved perfusion training program when those
34 services are part of his or her course of study.

35 (b) A person enrolled as a student in an approved
36 perfusion training program shall be identified as a
37 ‘student perfusionist’ or as a ‘perfusion intern.’

38 (c) During the period of any clinical training, a
39 student perfusionist or perfusion intern shall be under the
40 direct supervision of a licensed perfusionist who has met

all the requirements of this chapter. For purposes of this section, ‘direct supervision’ means assigned to a licensed perfusionist who is on duty and immediately available in the assigned patient care area.

(d) This section shall become operative on January 1, 2000. This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 10. Section 2596 of the Business and Professions Code is amended to read:

2596. It is the intent of the Legislature that authority be reserved to the board to adopt examination, continuing education, and training standards for perfusionists, with appropriate consultation, in the event that existing standards of the American Board of Cardiovascular Perfusion or the Accreditation Committee on Perfusion Education of the Commission on Accreditation of Allied Health Education Programs prove inadequate after an appropriate trial period of at least three years.

This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 11. Section 2596 is added to the Business and Professions Code, to read:

2596. It is the intent of the Legislature that authority be reserved to the Division of Licensing of the ~~Medical Board of California~~ *board* to adopt examination, continuing education, and training standards for perfusionists, with appropriate consultation, in the event that existing standards of the American Board of Cardiovascular Perfusion or the Accreditation Committee on Perfusion Education of the Committee on Allied Health Education and Accreditation of the American Medical Association prove inadequate after an appropriate trial period of at least three years.

This section shall become operative on January 1, 2003.

1 SEC. 12. Section 2597 is added to the Business and
2 Professions Code, to read:

3 2597. Consistent with this chapter and all applicable
4 California law, the ~~Osteopathic Medical Board of~~
5 ~~California~~ board shall:

6 (a) Issue licenses to perfusionists and graduate
7 perfusionists who satisfy the requirements for licensure as
8 set forth in this article.

9 (b) Establish the categories of fees and the amount of
10 fees that may be imposed in connection with a license.

11 (c) Impose disciplinary action upon licensees as
12 necessary.

13 (d) Utilize the services of the Perfusionist Advisory
14 Committee, which is created under the authority of the
15 ~~Osteopathic Medical Board of California~~ board, and that
16 shall:

17 (1) Serve at the pleasure of the board.

18 (2) Be appointed by the board with the intention that
19 the members of the committee will represent the many
20 varied aspects of a cardiovascular surgery service staff.

21 (3) Be comprised of three perfusionists and three
22 physicians and surgeons representing the medical
23 specialties of cardiac or thoracic surgery, cardiology, and
24 anesthesiology who have practiced in California for at
25 least five years.

26 (4) Operate under the direction of a chair designated
27 by the board.

28 (e) This section shall remain in effect only until
29 January 1, 2003, and as of that date is repealed, unless a
30 later enacted statute, that is enacted before January 1,
31 2003, deletes or extends that date.

32 SEC. 13. Section 2598 is added to the Business and
33 Professions Code, to read:

34 2598. There is in the State Treasury the Perfusion
35 Fund. All collections from persons licensed or seeking to
36 be licensed shall be paid by the board into this fund after
37 a report to the Controller at the beginning of each month
38 of the amount and source of the collections. All moneys
39 in the Perfusion Fund are, notwithstanding Section 13340

1 of the Government Code, continuously appropriated to
2 carry out the purposes of this chapter.

3 This section shall remain in effect only until January 1,
4 2003, and as of that date is repealed, unless a later enacted
5 statute, that is enacted before January 1, 2003, deletes or
6 extends that date.

7 SEC. 14. The sum of ninety thousand dollars (\$90,000)
8 is hereby appropriated from the General Fund to the
9 Perfusion Fund, for the purposes of this act, which sum
10 shall be a loan to be repaid to the General Fund with
11 interest at the rate earned by moneys invested in the
12 Pooled Money Investment Account. The entire sum plus
13 interest shall be repaid to the General Fund on or before
14 January 2002.

15 All moneys repaid shall be from funds collected
16 pursuant to this chapter.

17 SEC. 15. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because the only costs that may be incurred
20 by a local agency or school district will be incurred
21 because this act creates a new crime or infraction,
22 eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition
25 of a crime within the meaning of Section 6 of Article
26 XIII B of the California Constitution.

27 Notwithstanding Section 17580 of the Government
28 Code, unless otherwise specified, the provisions of this act
29 shall become operative on the same date that the act
30 takes effect pursuant to the California Constitution.

